

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 SEC corner of Wilson Avenue *
 and Carroll St. * ZONING COMMISSIONER
 (No address) Lots 1 and 2 *
 1st Election District * OF BALTIMORE COUNTY
 1st Councilmanic District *
 Nelida Meiller * Case No. 99-58-A
 Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property known as lots 1 and 2 of the residential subdivision known as Catonsville Manor, located adjacent to the intersection of Wilson Avenue and Carroll Street in western Baltimore County. The Petition was filed by Nelida Meiller, property owner. Variance relief is requested from Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations (BCZR) to permit a minimum street side yard setback of 5 ft. in lieu of the required 25 ft., a lot width of 45 ft. in lieu of the required 55 ft. and a lot area of 4500 sq. ft. in lieu of the required 6,000 sq. ft. The Petition also seeks approval of the use of an undersized lot for development with a single family dwelling, pursuant to Section 304 of the BCZR and to approve any other variances deemed necessary by the Zoning Commissioner. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the public hearing held for this case was Nelida Miller, property owner. She was accompanied by her friend, James Hanna, who indicated that he was assisting her with this project. There were no Protestants or other interested persons present.

As noted above, the subject property at issue is comprised of two lots, known as lots 1 and 2 of the Catonsville Manor subdivision. This is an old subdivision and the individual lots were platted many years ago,

ORDERED RECORDED FOR FILING
 DATE 8/6/00
 BY [Signature]

prior to the existence of any zoning regulations in Baltimore County. Lot 1 is 25 ft. in width and 100 ft. in depth. Lot 2 immediately abuts lot 1 and is 20 ft. wide, with the same depth. Thus, the property is collectively 45 ft. wide, 100 ft. deep and 4,500 sq. ft. in area. The property is a corner lot, at the intersection of Carroll Street and Wilson Avenue.

Ms. Miller apparently owns adjacent property. Her adjacent property does not abut the subject lot along its 100 ft. property line, but rather along the 45 ft. long property line. This other property owned by the Petitioner is comprised of lots 41, 42, 43 and 44 of the Catonsville Manor subdivision. Collectively, that property is 85 ft. x 100 ft. in dimension. It is improved with an existing family dwelling.

The Petitioner proposes subdividing her holdings and improving lots 1 and 2 with a single family dwelling. As shown on the site plan, the proposed building envelope is 30 x 45 ft. The site plan also shows, as presently proposed, the dwelling will front Wilson Avenue.

Significant variance relief is requested. The property is undersized, containing only 4500 sq. ft. in lieu of the 6,000 sq. ft. required. A mere 5 ft. setback will be maintained along the property line abutting Carroll Avenue in lieu of the 25 ft. required. Moreover, the width of the lot, i.e., the frontage of the property as measured parallel to Wilson Avenue, is but 45 ft.

The Petition and site plan were reviewed by County agencies through the Zoning Plans Advisory Committee (ZAC) process. Two written comments were submitted by County agencies which are relevant. The first comment is from the Development Plans Review Division and indicates that Carroll Street is an existing road which will ultimately be improved as a 30 ft. paved street on a 50 ft. right of way. Presently, that road is significantly narrower in terms of paving, although the plan does show a 40 ft.

ORDER RECEIVED FOR FILING

Date

By

10/20/98
M. Hovak

existing right of way. Indeed, if the right of way were ultimately expanded to 50 ft., a 0 ft. setback would be maintained from the proposed side of the dwelling to the right of way. That is, it is anticipated that an additional 5 ft. would be taken from both sides of the street to enlarge the right of way by a total distance of 10 ft. and only a 5 ft. setback is proposed.

Secondly, a comment was received from the Office of Planning. That office opines that the Petitioner is not eligible for relief pursuant to Section 304 of the BCZR. I agree. That section allows the owner of an undersized lot to build a single family dwelling by right if three conditions are met. First, the property owner must show that the subject site is part of a subdivision platted or a lot of record duly recorded prior to 1955; that no other variance (e.g., setback) relief is required; and that the Petitioner owns no adjacent ground. Clearly, this Petitioner satisfies the first requirement; namely, this subdivision was recorded well prior to 1955. However, the Petitioner fails to satisfy the second requirement in that several variances are necessary. Third, the Petitioner also fails to meet the final test. That is, she does own adjacent or abutting property. Interestingly, however, in this layout, this property cannot be utilized to make the lot wider if the dwelling is oriented towards Wilson Avenue. That is, as shown on the site plan, the adjacent property owned by Ms. Miller actually would abut the rear yard of the proposed dwelling.

Based upon the testimony and evidence presented, I feel compelled to deny the Petition for Variance and disapprove the site plan as submitted. My decision is based on several factors. First, the comment from the Development Plans Review Division is troubling, particularly as it relates to a potential increase in the right of way of Carroll Avenue. The 5 ft.

ORDER RECEIVED FOR FILING

Date

10/20/98

By

M. J. J. J.

setback proposed is already significantly less (by 20 ft.) than what is required. A possible expansion of the right of way resulting in a 0 ft. setback is unacceptable.

Secondly, I am not persuaded that the Petitioner has thought out her proposal. It was indicated that the house could be re-oriented and/or made smaller. Consideration of the such revisions may be warranted. Indeed, it appears that there are other properties in this neighborhood which are as small as the existing property. However, it is not a decision that should be made during the hearing when a different site plan has already been submitted and considered by County agencies. I suggest that if the Petitioner wishes to pursue this project, she or her representative meet with the Office of Planning to determine whether another alternative can be supported by that agency. Perhaps the building envelope can be made smaller, the house be re-oriented to face Carroll Street or other changes made to the plan. However, as I am compelled to consider what has been placed before me, I must deny this application and this site plan. Such denial shall be without prejudice to the Petitioner and allow her to resubmit a plan in a manner consistent with the comments above and for the consideration of the Office of Planning.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of October 1998, that a variance from Sections 1B02.3.C.1 and 304 of the BCZR to permit a minimum street side yard setback of 5 ft., in lieu of the required 25 ft., a lot width of 45 ft., in lieu of the required 55 ft., and a lot area of 4500 sq. ft., in lieu of

ORDER RECEIVED FOR FILING

Date

By

10/20/98
Ch. Graham

the required 6,000 sq. ft., be and is hereby DENIED, without prejudice;
and,

IT IS FURTHER ORDERED that approval of the use of an undersized lot
for development of a single family dwelling, pursuant to Section 304 of
the BCZR, be and is hereby DENIED, without prejudice.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

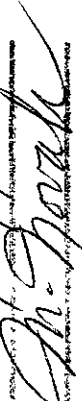
LES/mmm

ORDER RECEIVED FOR FILING

Date

10/20/98

By





Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

October 19, 1998

Ms. Nelida Meiller
1200 Daniels Avenue
Baltimore, Maryland 21227

RE: Petition for Variance
Case No. 99-58-A
Property: Corner of Wilson Avenue and Carroll Street

Dear Ms Meiller:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been denied, without prejudice, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at NO ADDRESS
CORNER OF WILSON AVE & CARROLL STREET
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3 C.1 and 304 to allow a minimum street side yard setback of 5' in lieu of the required 25', a lot width of 45' in lieu of 55' & a lot area of 4,500 sq. ft. in lieu of the required 6,000 sq. ft. And to approve an undersized lot per section 304 & to approve any other variances deemed necessary by zoning commissioner.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. SIDE YARD SETBACK CANNOT BE MET DUE TO BEING A CORNER LOT
2. EXISTING LOTS IN AREA ARE A MINIMUM OF 4,000 SQ FT

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

NELIDA MEILLER

(Type or Print Name)

Nelida Meiller

Signature

(Type or Print Name)

Signature

1308 FREDERICK RD

Address

410-744-4165

Phone No.

BALTO MD

City

State

21228

Zipcode

Name, Address and phone number of representative to be contacted.

NELIDA MEILLER

Name

BALTO MD

1308 FREDERICK RD

Address

21228

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following date:

Next Two Months

ALL

OTHER

REVIEWED BY: JRF

DATE

8/4/98



Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

99.58.A

#58

ZONING DESCRIPTION

Beginning at the intersection of the south side of Wilson Avenue , as laid out 40 feet wide, with the east side of Carroll Street , as laid out 40 feet wide ; thence running with and binding on the south side of Wilson Avenue

- 1) North 53 degrees 50 minutes East, a distance of 45 feet to a point; thence leaving Wilson Avenue and running
- 2) South 36 degrees 10 minutes East, a distance of 100 feet to a point: thence
- 3) South 53 degrees 50 minutes West, a distance of 45 feet to a point on the east side of Carroll Street : thence running with and binding on east side of Carroll Street
- 4) North 36 degrees 10 minutes West, a distance of 100 feet to the point of beginning.

Containing 4500 square feet of land more or less

Also being known as Lots 1 and 2 , Block 4 , as shown on a plat of subdivision entitled "Catonsville Manor" as recorded among the Land Records of Baltimore County, MD in Platbook 6, Folio 160.

#58

99-58-A

BALTIMORE COUNTY, MAR ~~ND~~
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 056108

DATE August 4, 1998 ACCOUNT R-001-015000

AMOUNT \$ 50.00

RECEIVED
FROM:

Meiller

SE corner of Wilson Ave & Carroll St.

FOR:

01 - - Variance

ITEM # 58

Taken by: JRF

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
8/04/1998 8/04/1998 10:34:38

REC NO.03 CASHIER PAGES PER INWARDED 3

5 MISCELLANEOUS CASH RECEIPT

Receipt # 053615

CR NO. 056108

QFLN

50.00 CHECK

Baltimore County, Maryland

99.58-A

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARINGS**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland as follows:

Avenue and
Street

in District
Councilmanic District
Legal Owner(s): Nelicia Meiller

Variance: to allow a minimum street side yard setback of 5 feet in lieu of the required 25 feet; a lot width of 45 feet in lieu of 55 feet; a lot area of 4,500 square feet in lieu of the required 6,000 square feet; to approve an undersized lot; and to approve any other variances deemed necessary by the zoning commissioner.

Hearing: Monday, September 21, 1998 at 11:00 a.m., in Room 407, County Courts Bldg., 401 Busley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are held in accessible locations for the handicapped. For information concerning and/or hearing, call (410) 887-3353 or (410) 887-3391.

C255666

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Sept. 3, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 3, 1998.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE: Case No.: 99-58-A

Petitioner/Developer: _____

Nelida Meiller

Date of Hearing/Closing: 9/21/98 @ 11:00 AM

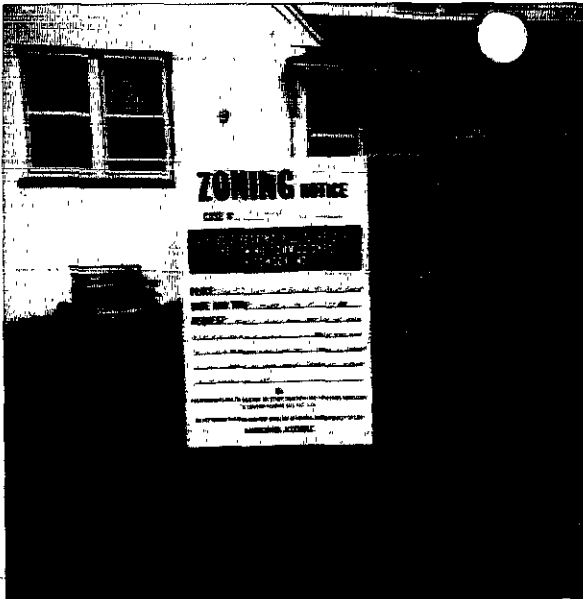
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1200 Daniel Ave.

The sign(s) were posted on September 2, 1998
(Month, Day, Year)



Sincerely,

Stacy Gardner 9/2/98
(Signature of Sign Poster and Date)

Stacy Gardner
(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784
(City, State, Zip Code)

410-781-4000
(Telephone Number)

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 58
Petitioner: NEILDA MEILLER
Address or Location: 1200 DAINELS AVE ON CORNER OF WILSON AVE
& CARROLL STREET

PLEASE FORWARD ADVERTISING BILL TO:

Name: NEILDA MEILLER
Address: 1308 FREDERICK RD
CATONSVILLE MD. 21228
Telephone Number: 410-744-4165

Revised 2/20/98 - SCJ

99-58-A

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-58-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: VARIANCE - To allow a minimum street side yard setback of 5' in lieu of the required 25', lot width of 45' in lieu of 55' and a lot area of 4,500 sq. ft. in lieu of the required 6,000 sq. ft. And to approve an undersized lot per section 304 and to approve any other variances deemed necessary by zoning commissioner.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

**INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM**

TO: Director, Office of Planning & Community Conservation
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bosley Av
Towson, MD 21204

B _____
Permit Number

FROM: Arnold Jablon, Director, Department of Permits & Development Management

RE: Undersized Lots

Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

☐ JAMES HANNA 1709 FAIRVIEW AVE BALTO. MD. 21227 410-247-0436
Print Name of Applicant Address Telephone Number

☐ Lot Address CORNER OF WILSON AVE & CARROLL STREET Election District 1ST Council District 1ST Square Feet 4500

Lot Location: NE/S W/ side / corner of CARROLL STREET feet from NE/SW corner of WILSON AVENUE
(street) (street)

Land Owner NEIDA MEILLER Tax Account Number _____

Address 1308 FREDERICK RD. Telephone Number (410) 744-4165
CATONSVILLE MD- 21228

☐ **CHECKLIST OF MATERIALS:** to be submitted for design review by the Office of Planning & Community Conservation

PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	/	/
2. Permit Application	/	/
3. Site Plan	/	/
Property (3 copies)	/	/
Topo Map (available in Rm 206 C.O.B.) (2 copies)	/	/
(please label site clearly)	/	/
4. Building Elevation Drawings	/	/
5. Photographs (please label all photos clearly)	/	/
Adjoining Buildings	/	/
Surrounding Neighborhood	/	/

Residential Processing Fee Paid
Codes 030 & 080 (\$85)

Accepted by JRF
ZADM

Date 8/4/98

Item # 58

TO BE FILLED IN BY THE OFFICE OF PLANNING & COMMUNITY CONSERVATION ONLY!!

RECOMMENDATIONS/COMMENTS:

☐ **Approval** ☐ **Disapproval** ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

*Sent to
OPCC
8/13/98*

Signed by: _____
for the Director, Office of Planning & Community Conservation

Date: **99-58-A**

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Building Permit Application has been accepted
for filing by _____ on _____
Date (A)

A sign indicating the proposed Building must be posted on the property for
fifteen (15) days before a decision can be rendered. The cost of filing is
\$50.00 and posting \$35.00; total \$85.00.

In the absence of a request for public hearing during the 15-day posting period,
a decision can be expected within approximately four weeks. However, if a valid
demand is received by the closing date, then the decision shall only be rendered
after the required public special hearing.

*SUGGESTED POSTING DATE _____ D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED-YES _____ NO _____ -DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) _____ C (B-3 Work Days)

TENTATIVE DECISION DATE _____ B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District _____

Location of property: _____

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: _____

A-82-PP

TO: PATUXENT PUBLISHING COMPANY
September 3, 1998 Issue - Jeffersonian

Please forward billing to:

Neilda Meiller
1308 Frederick Road
Catonsville, MD 21228

410-744-4165

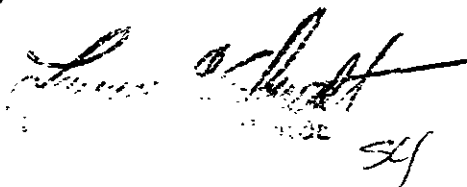
NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-58-A
SEC Wilson Avenue and Carroll Street
1st Election District - 1st Councilmanic District
Legal Owner: Nelida Meiller

Variance to allow a minimum street side yard setback of 5 feet in lieu of the required 25 feet, a lot width of 45 feet in lieu of 55 feet, a lot area of 4,500 square feet in lieu of the required 6,000 square feet; to approve an undersized lot; and to approve any other variances deemed necessary by the zoning commissioner.

HEARING: Monday, September 21, 1998 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", with a stylized flourish at the end.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 14, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-58-A
SEC Wilson Avenue and Carroll Street
1st Election District - 1st Councilmanic District
Legal Owner: Nelida Meiller

Variance to allow a minimum street side yard setback of 5 feet in lieu of the required 25 feet, a lot width of 45 feet in lieu of 55 feet, a lot area of 4,500 square feet in lieu of the required 6,000 square feet; to approve an undersized lot; and to approve any other variances deemed necessary by the zoning commissioner.

HEARING: Monday, September 21, 1998 at 11:00 a.m. in Room 407, County Courts
Building, 401 Bosley Avenue

A handwritten signature in cursive script, reading "Arnold Jablon", with the number "54" written below it.

Arnold Jablon
Director

c: Nelida Meiller

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY SEPTEMBER 6, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 17, 1998

Ms. Nelida Meiller
1308 Frederick Road
Catonsville, MD 21228

RE: Item No.: 58
Case No.: 99-58-A
Location: SEC Wilson Avenue
and Carroll Street

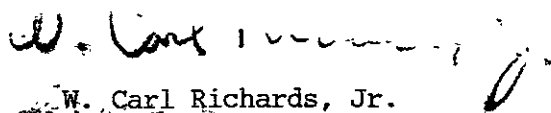
Dear Ms. Meiller:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on August 4, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: POM

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

DATE: Aug 21, 98

SUBJECT: Zoning Advisory Committee
Meeting Date: Aug 17, 1998

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s:	55	61
	56	65
	57	
	(58)	
	59	
	62	
	64	
	66	
	67	

RBS:sp

BRUCE2/DEPRM/TXTS8P

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: August 21, 1998

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for August 24, 1998
 Item No. 058

The Development Plans Review Division has reviewed the subject zoning item. Carroll Street is an existing road which shall ultimately be improved as a 30-foot street cross section on a 50-foot right-of-way.

RWB:HJO:jrb

cc: File

ZONE0824.058

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

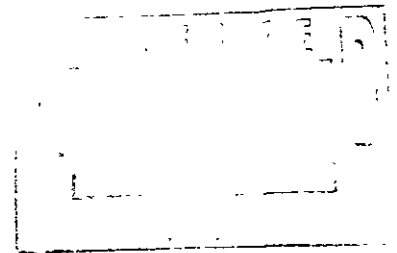
DATE: August 28, 1998

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Corner of Wilson Avenue & Carroll Street

INFORMATION:

Item Number: 58
Petitioner: Nelida Miller
Property Size: 4,500 square feet
Zoning: DR 5.5
Requested Action:
Hearing Date: September 21, 1998



The property in question, located at the southeast corner of Wilson Ave and Carroll Street, is the subject of an undersized lot request and a request for variances for lot width, area and side street setback. It should be noted that this 4,500 square foot property (lots 1 and 2, Catonsville Manor) is under the same ownership as the contiguous, 8,500 square feet, improved property (lots 41-44, Catonsville Manor), which is also known as 1200 Carroll Street. Therefore, the property does not meet the requirements of Section 304.1.C, "use of undersized lots" of the BCZR which states the following: "The owner does not own sufficient adjoining land to conform to the lot width and area requirements contained in these regulations."

SUMMARY OF RECOMMENDATIONS:

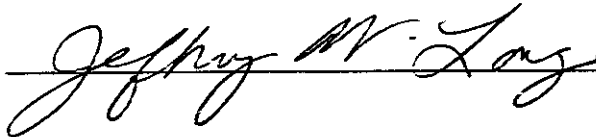
This office recommended disapproval of the applicant's undersized lot request since it did not qualify for such pursuant to the aforementioned section. However, the office's position could be modified as a result of the outcome of instance case.

As to the request for variances, this office has serious concerns about the request for a side street setback variance of 5 feet in lieu of 25 feet. If hardship or practical difficulty can be demonstrated by the applicant and the variances are granted, this office recommends that the following conditions should be incorporated in the Zoning Commissioner's order:

1. The architectural style of the proposed house should be compatible with the adjacent houses at 1201 and 1203 Wilson Avenue, i.e. brick front and frame, vinyl siding construction, and similar height and mass. There should be articulation on the front of the house. (See attached photographs provided by applicant for details).
2. Elevation drawings should be reviewed by the Office of Planning prior to issuance of building permits.

If there should be any questions or if additional information is needed, please contact Diana Itter on 410-887-3480.

Section Chief:

A handwritten signature in cursive script, reading "Jeffrey W. Long", is written over a horizontal line.

AFK:DI:lsn



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker E. Williams
Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 8.14.94
Item No. 058 JRF

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE

Wilson Avenue at Carroll Street, SEC Wilson
Ave and Carroll St, 1st Election District,
1st Councilmanic

Legal Owners: Nelida Miller

Petitioner(s)

* BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* Case Number: 99-58-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of Sept. ~~August~~, 1998, a copy of the foregoing Entry of

Appearance was mailed to Nelida Miller, 1308 Frederick Road, Baltimore, MD 21228, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Nelida Meiller.

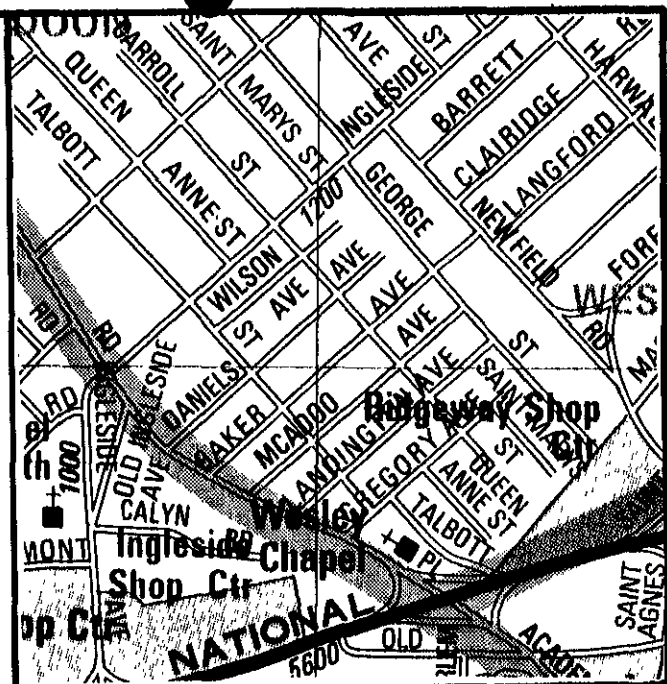
1200 Daniels Ave. Baltus Co. 21221

James HANNA

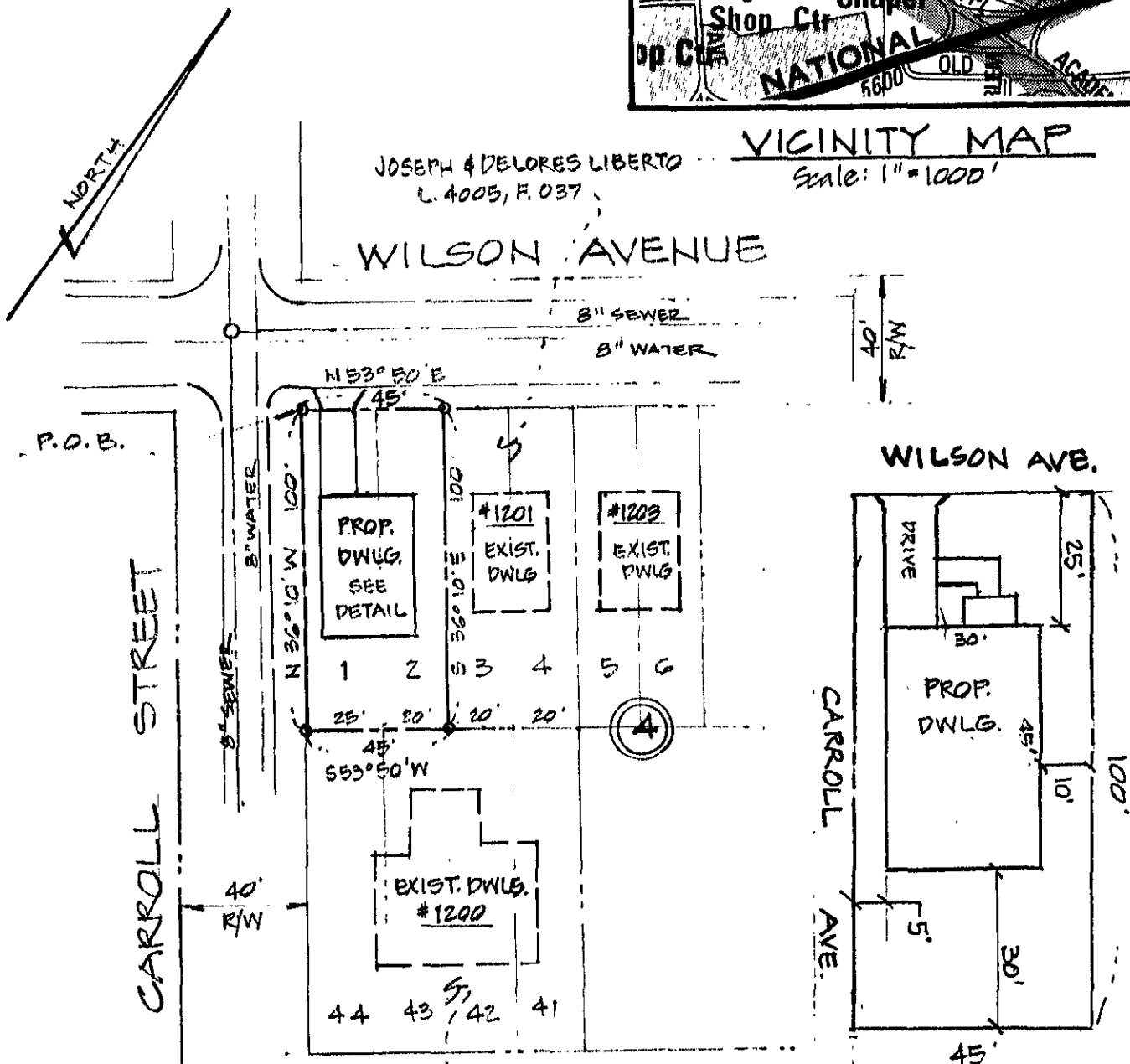


Notes:

- 1) CURRENT ZONING = DR 5.5
BASED ON 1986 ZONING MAP
- 2) PROPERTY CURRENTLY UNIMPROVED
- 3) LAND AREA = 4500 S.F.
PROP. DWLG. FOOTPRINT = 1350 S.F.
- 4) PROPERTY CONSIST OF LOTS 1 & 2,
BLOCK 4, CATONSVILLE MANOR
REC IN P.B. 6, F. 100
DEED REF. = LIBER 12812, FOLIO 137



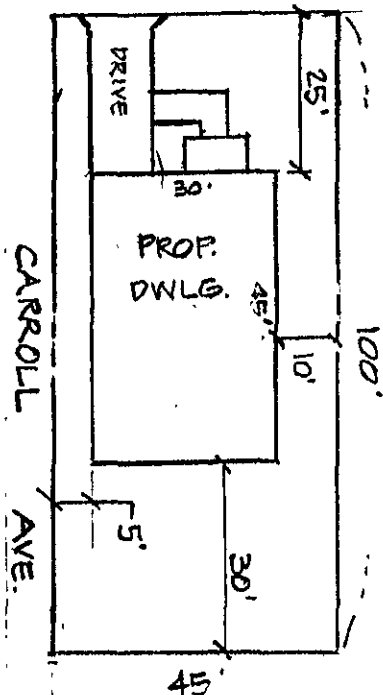
VICINITY MAP
Scale: 1" = 1000'



JOSEPH & DELORES LIBERTO
L. 4005, F. 037

WILSON AVENUE

WILSON AVE.



DETAIL
1" = 30'

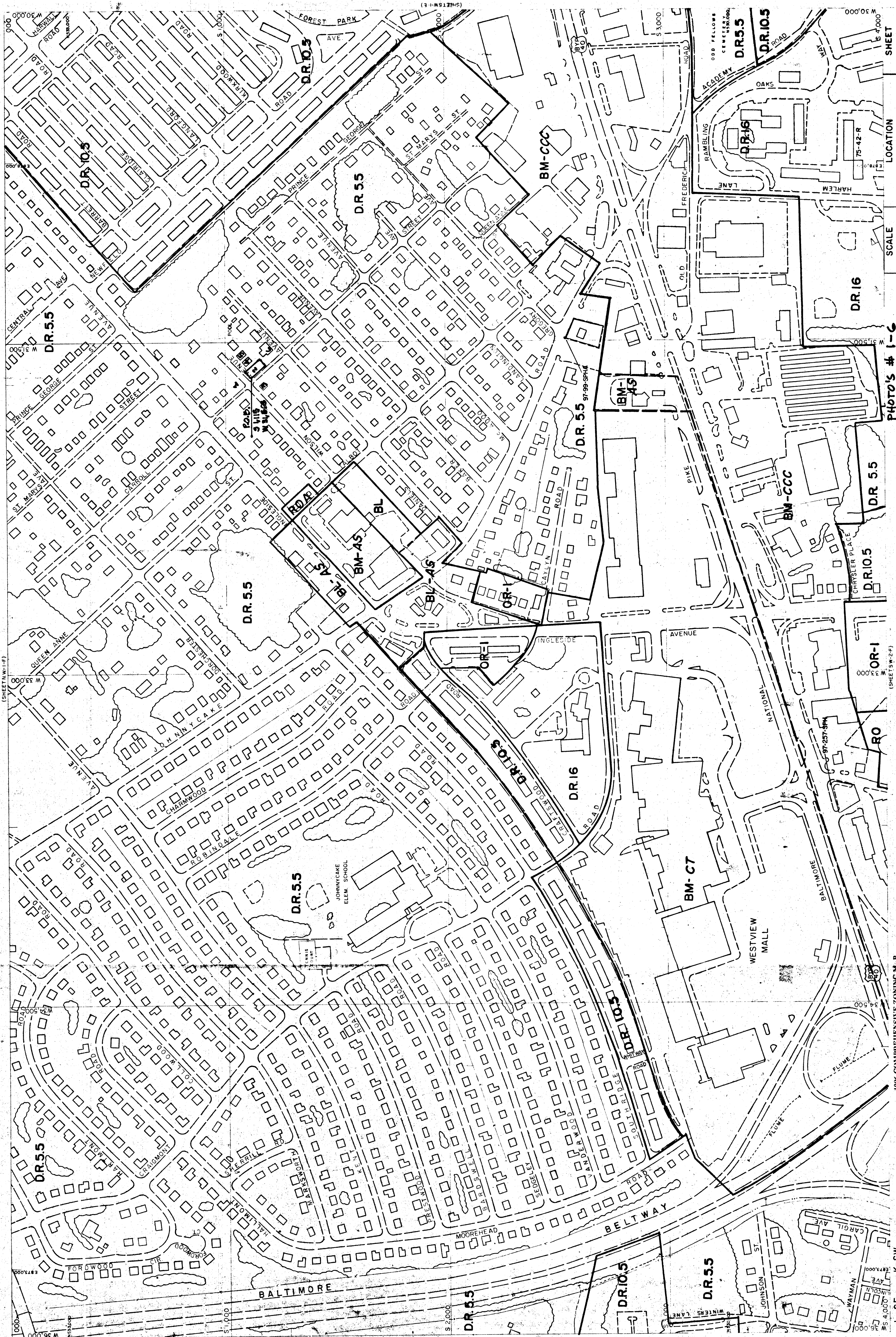
OWNER:
NELIDA MEILLER
1200 DANIELS AVE
BALTO. MD. 21228

NELIDA MEILLER
L. 12812, F. 140

DRAWN BY ROSCD
CHECKED BY C.P.
SCALE 1" = 50'
DATE 7.23.98

PLAT TO ACCOMPANY WAIVER PETITION
LOTS 1 & 2, BLK 4 CATONSVILLE
MANOR, WILSON & CARROLL AVE.
1ST ELECTION DISTRICT
1ST COUNTY COUNCIL DISTRICT

99-58-A



SCALE	1" = 200' ±
DATE OF PHOTOGRAPHY	JANUARY 1986
LOCATION	CATONSVILLE
SHEET	SW I-F

PHOTO'S # 1-C
#58

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1996 COMPREHENSIVE ZONING M.P.
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

Kevin Kanamery
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

99-58-A